



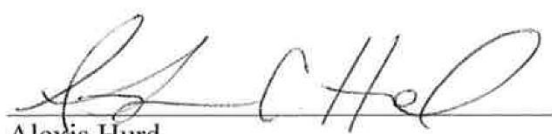
## Guardian ad Litem: The Importance of Child Advocacy

### Senior Project

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By

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### Guardian ad Litem: The Importance of Child Advocacy

The thoughts and needs of children are often lost when they enter the justice system. In cases regarding child abuse and neglect, everyone tends to fixate on the court ordered services for the parent and the length of time until a child can return home. Of course, these aspects are important when reuniting families, but the child's safety and level of care should be at the forefront of every case. Parents should not complete services for the sole purpose of getting their child back, but rather with the intention of bettering their future for their family. To ensure that children are returning to a home without abuse or neglect, the court should appoint a Guardian ad Litem (GAL) to advocate for these children. "A Guardian ad Litem advocate is a trained community volunteer who is appointed, along with a Guardian ad Litem attorney, by a district court judge to investigate and determine the needs of abused and neglected children petitioned into the court system by the Department of Social Services" (North Carolina Administrative Office of the Courts, 2014). Guardian ad Litem is a program that varies from state to state (sometimes called Court Appointed Special Advocates, or CASA) and "works toward a plan that ensures that these children are in a safe, permanent home" (Goode & Kravitz, 2015). Although these cases can continue without the assistance of GAL, additional research supports that the presence of a GAL advocate not only improves the effectiveness of court proceedings, but it also improves the child's well-being.

#### **The GAL Position and Training**

A Guardian ad Litem volunteer is an individual with "a sincere concern for the well-being of children" (North Carolina Administrative Office of the Courts, 2014). Volunteers can consist of those with or without a full-time job or education. The position

involves “digging for details in the case, collaborating with other participants in the case, recommending what’s best for child by writing court reports, empowering the child’s voice, staying vigilant by constantly monitoring the case, and keeping all information confidential” (North Carolina Administrative Office of the Courts, 2014). Those interested must apply, interview, and undergo a criminal background check as well as training (North Carolina Administrative Office of the Courts, 2014).

Training with Guardian ad Litem teaches volunteers how to write court reports, create permanency plans, interact with families, and advocate for children. The interactive, 30-hour training prepares volunteers for real life situations that children should not have to face. In training, advocates are taught to aim for family preservation and reunification. In other words, the Guardian ad Litem tries to keep a child with the family whether it is with the guardians in question or another qualified family member. This step is done to avoid unnecessary hardships for the children since removal from the home can cause trauma. Agencies are required, by law, to keep the child within the home if safety of the child is not a concern (Goode & Kravitz, 2015). If the minimum sufficient level of care is not met by the parents, then the child is removed from the home (Goode & Kravitz, 2015).

Whether the child is removed from the home or not, the court orders the parents (and sometimes the children) to complete services relating to the initial petition that was filed. Services can include referrals to counselling, domestic violence classes, substance abuse classes, random drug screenings, mental health evaluations, in-patient or out-patient care facilities, and/or other services. If services are completed, then both the Department of Social Services and Guardian ad Litem move forward to reunification of the family. If services are not completed due to refusal or relapse, then the process is lengthened. If it

does not seem like progress is being made, then the Guardian ad Litem advocate has no choice but to recommend a change in the family's permanency plan. This can involve custody or guardianship going to other relatives, custody going to the Department of Social Services, or even the termination of parental rights.

The role as a Guardian ad Litem can be difficult due to the many layers and moving parts associated with the work. In fact, this brief description of the GAL experience barely scratches the surface of the advocate's position. There are many factors, laws, and circumstances that can affect a case, so it is important that a volunteer takes training serious. Once training is complete, the GAL volunteer is "sworn in by a judge and appointed to a case" (North Carolina Administrative Office of the Courts, 2014).

### **The Importance of Child Advocacy**

"Child abuse and neglect continue to be significant problems in the United States" (Waxman, Houston, Proffitt, & Sanchez, 2009). In fact, in 2012, "there were approximately 686,000 *documented* cases of abuse or neglect" (Goode & Kravitz, 2015). These cases may not represent one child, as there can be multiple children in one case. In addition, this number does not include the number of unreported abuse or neglect cases. With that said, this number is high with safe assumptions that the number has only increased since this was reported. The statistics become more intense when one discovers that about 1,640 children died because of abuse and neglect, and that a little over 70% of those children were under the age of three (Goode & Kravitz, 2015). If this harsh reality does not lead to death, then it can have various negative outcomes. According to Waxman, Houston, Proffitt, & Sanchez (2009), "[c]hildren who suffer from abuse are at risk for gang involvement, violence, delinquency, early school dropout, and premature parenthood." The

deviant behavior may even add to this vicious cycle of child abuse or neglect; however, Waxman, Houston, Profilet, & Sanchez (2009) go on to say that the presence of a concerned adult can influence a child's life in a way that these negative outcomes are avoided. This is further explained in greater detail:

“Children who have been abused or neglected may have had many discontinuities in caregiving relationships. A good quality relationship with a caring adult can be a catalyst to build resilience in children. Even the most severely abused child can develop resilience from a short-term relationship if the adult conveys a sense of value to the child” (Waxman, Houston, Profilet, & Sanchez, 2009).

This is where being a Guardian ad Litem, or a concerned adult that values the child, can have a huge impact in a child's overall well-being. Although this presence does strengthen the child, there are many other ways that a GAL advocate can influence and alter a child's life.

The GAL advocate provides different avenues to show support for the child. Support can first be shown through the services provided for both the child and the parents. Various studies show that cases with an advocate receive far more services than those without one; but the study done by Waxman, Houston, Profilet, & Sanchez (2009) shows that children with advocates receive more counselling whereas those without the advocate received more psychiatric evaluations. The presence of the advocate not only allows for a more appropriate referral to be made, but it allows for constant reminders about attending counselling services. The court ordered services are the stepping stones to family reunification, so having a high number of referrals ensures that the child will return to a safe home.

Furthermore, the Guardian ad Litem shows support for the child by efficiently maneuvering through a case while limiting the number of out-of-home placements and limiting the time spent in out-of-home placements. Out-of-home placements can include “family foster home, group home, crisis facility, residential treatment center, relative home, or institutional care” (Leung, 1996). These placements are not the ideal situation because moving a child from one place to another can be very disruptive, “so reducing the number of placements is essential” (Waxman, Houston, Profilet, & Sanchez, 2009). Although some studies have mixed results, Leung (1996) and Waxman, Houston, Profilet, & Sanchez (2009) provide findings that support limited out-of-home placements when an advocate is present within a case. Waxman, Houston, Profilet, & Sanchez (2009) express that this is due to the following:

“One of the primary responsibilities of the [child advocate] is to evaluate whether the child is doing well in a particular placement. If a child is doing well in a placement, the [child advocate] recommends that the child remains where he or she is, which would result in fewer placement changes”

In addition, advocates need time to investigate and provide information to the court so the time may appear longer than cases without advocates (Leung, 1996). These limited placements can also occur if the judge appoints the GAL earlier in the case. “Data show that positive changes (due to CASA intervention) appeared more frequently before the case disposition period than in the post disposition period” (Leung, 1996). In other words, appointing the GAL earlier can allow more time for planning and direction from the court; therefore, shortening the amount of time and number of out-of-home placements.

Lastly, the Guardian ad Litem advocate being present in a case can influence a child's behavior and school performance. Although few studies have been done on child outcome in these cases, Waxman, Houston, Profilet, & Sanchez (2009) found a significant difference in those with the advocate and those without the advocate. Cases that had a child advocate were more likely to pass their classes, have better conduct, and have less expulsions than children who did not have an advocate assigned to their case (Waxman, Houston, Profilet, & Sanchez, 2009). This indicates that a child advocate can influence more than just a child's experience in the courtroom and with their family, but that GAL advocates can improve the educational and behavioral outcome of a child.

### **The Experience—A First Person Perspective**

I first became aware of the Guardian ad Litem program about a year and a half ago when a professor had a GAL guest speaker. I thought the commitment was too much at the time, so I did not apply. However, when I was looking for internship opportunities, Guardian ad Litem appeared on my radar again. I figured that I could use the program for my senior project to bridge the gap between my education and my future in law school. I completed the application, interview, and all other paperwork that GAL required. The constant contact with the supervisors at the GAL office helped create a connection that further nurtured my interest in the well-being of children before training even started.

Guardian ad Litem trains volunteers through a flex training program which means that training is completed both online and in-person. The program would begin with a week of online training followed by a day of in-person training that lasted about three hours. This schedule continued for five weeks and consisted of intense content and tedious work. Above all, however, the training was interesting. I enjoy learning about new laws and



different ways to handle situations, so I absorbed the information quickly. We learned about relevant laws, cultural competency, and the overall role of an advocate. The aspect about the in-person training that I believe assisted me the most was the sample case studies. The sample case studies would be an example of a case file that one might see in the field. Upon reading the case file, the group must discuss the content and decide who would be the first person to interview for this sample case. Once decided upon by the group, one group member would go to the instructor and ask for an interview from that person. The instructor hands the group a sample interview if they were correct regarding the next person of contact. This continued until all interviews for the case were analyzed or if the time (45 minutes to an hour) ran out. I was intrigued by this exercise because it was the closest thing to being in the field and understanding the position. This exercise provided real life examples and covered various laws that could be involved in a case. It provided prospective and allowed for group discussion on an area that we were all new to.

Although we were given sample case studies throughout training, I could not help but feel unprepared as training came to an end. I knew that I had learned a lot, but there was no script or checklist once in the field. For this reason, I became nervous when my supervisor decided to give me a case the day after the swearing-in ceremony. I reviewed the case file several times. I took notes and analyzed the best person to contact first. Once coming to this decision, I contacted my supervisor for reassurance. She was so kind and even offered to drive out with me any time I initially contacted someone. She wanted to be sure that I was comfortable with where I was going and who I was meeting. Her presence was comforting when we arrived, but I felt like I knew what to do and what I wanted to know shortly after introducing myself to my first contact. I may have felt unprepared at

first, but once you become involved with the family it becomes second nature. Plus, my supervisor is always there if I have any questions or if I am unsure about something.

I have been present in my case for about two months now, and I love every minute of it. I enjoy going out to meet the parents, discussing behavior with teachers, and bonding with the child so they feel like an adult is listening. I am very passionate about being a Guardian ad Litem because I feel like I can really make an impact in a child's life. My presence in a case can make them feel like they are being heard amongst all the decisions that are being made for them. Through my work as an advocate, I hope to improve the life of at least one child while keeping their needs and best interest in mind.

### **Conclusion**

In conclusion, Guardian ad Litem is an important child advocacy program that is necessary for the well-being of abused and neglected children within the United States. The advocates are trained to provide children with support until their family and home is deemed safe. The individual focus that a GAL volunteer can provide to case, allows for a more in depth understanding of the situation and the needs of the child. Research also supports the program's understandings of child placement, and proves that an advocate's presence is clearly in the best interest of the child. With that said, the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247) requiring states to appoint an advocate is beneficial to the children of the United States (Goode & Kravitz, 2015); however, a lack in volunteers makes it difficult to assist in every case. It is necessary to understand the importance of child advocacy because it will provide awareness to programs such as Guardian ad Litem and change the lives of children across the nation.

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